

**From:** [Westen, Jacob](#)  
**To:** [Dorka, Lilian](#)  
**Cc:** [Rhines, Dale](#); [Goldstein, Ivery](#); [Covington, Jeryl](#); [Wilson, Adam](#); [Richard.Waters](#); [Galbraith, Ed](#)  
**Subject:** RE: EPA Complaint No.: 01RNO-20-R7: Meeting Request  
**Date:** Friday, August 20, 2021 5:30:33 PM  
**Attachments:** [DNR Response to ECRCO re 8.5.21 Mtg.pdf](#)

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Good afternoon!

Please find attached correspondence following up from our meeting on Thursday, August 5, 2021. We are still working on answers to the RFI #2. If you have additional specific recommendations for a voluntary compliance agreement regarding Issue #2, please let us know.

Thank you!

Jacob

Jacob Westen  
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C. (b)(6) Privacy  
E. [Jacob.Westen@dnr.mo.gov](mailto:Jacob.Westen@dnr.mo.gov)

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**From:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Sent:** Thursday, July 29, 2021 1:07 PM  
**To:** Westen, Jacob <[Jacob.Westen@dnr.mo.gov](mailto:Jacob.Westen@dnr.mo.gov)>  
**Cc:** Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Goldstein, Ivery <[Goldstein.Ivery@epa.gov](mailto:Goldstein.Ivery@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Wilson, Adam <[wilson.adam@epa.gov](mailto:wilson.adam@epa.gov)>; Waters, Richard <[Richard.Waters@dnr.mo.gov](mailto:Richard.Waters@dnr.mo.gov)>; Galbraith, Ed <[Ed.Galbraith@dnr.mo.gov](mailto:Ed.Galbraith@dnr.mo.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>  
**Subject:** Re: EPA Complaint No.: 01RNO-20-R7: Meeting Request

Thanks Jacob!

Lilian S. Dorka, Director  
External Civil Rights Compliance Office  
EPA, Office of General Counsel  
WJC-North Room 2524  
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202-695-9888 - Cell

Sent from my iPhone

On Jul 29, 2021, at 2:04 PM, Westen, Jacob <[Jacob.Westen@dnr.mo.gov](mailto:Jacob.Westen@dnr.mo.gov)> wrote:

Not a problem! We can reconvene next Thursday 8/4 at the pending proposed time.

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**From:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Sent:** Thursday, July 29, 2021 12:45 PM  
**To:** Westen, Jacob <[Jacob.Westen@dnr.mo.gov](mailto:Jacob.Westen@dnr.mo.gov)>  
**Cc:** Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Goldstein, Ivery <[Goldstein.Ivery@epa.gov](mailto:Goldstein.Ivery@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Wilson, Adam <[wilson.adam@epa.gov](mailto:wilson.adam@epa.gov)>; Waters, Richard <[Richard.Waters@dnr.mo.gov](mailto:Richard.Waters@dnr.mo.gov)>; Galbraith, Ed <[Ed.Galbraith@dnr.mo.gov](mailto:Ed.Galbraith@dnr.mo.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>  
**Subject:** RE: EPA Complaint No.: 01RNO-20-R7: Meeting Request  
**Importance:** High

Hi Jacob,

Please forgive this late notice but something has come up and we will need to cancel our meeting at 1:00PM CST (2:00 EST) today and reschedule. Again, apologies for the late notice.

Lilian

Lilian Sotolongo Dorka, Director  
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Pronouns: she/her/hers

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**From:** Westen, Jacob <[Jacob.Westen@dnr.mo.gov](mailto:Jacob.Westen@dnr.mo.gov)>  
**Sent:** Wednesday, July 28, 2021 4:54 PM  
**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Cc:** Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Goldstein, Ivery <[Goldstein.Ivery@epa.gov](mailto:Goldstein.Ivery@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Wilson, Adam <[wilson.adam@epa.gov](mailto:wilson.adam@epa.gov)>; Richard.Waters <[Richard.Waters@dnr.mo.gov](mailto:Richard.Waters@dnr.mo.gov)>; Galbraith, Ed <[Ed.Galbraith@dnr.mo.gov](mailto:Ed.Galbraith@dnr.mo.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>  
**Subject:** RE: EPA Complaint No.: 01RNO-20-R7: Meeting Request

Lilian,

Yes, I'll be able to meet tomorrow. I may run a little late due to a scheduled event 12-1 central time. Talk to you then!

Thanks,  
Jacob

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**From:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Sent:** Wednesday, July 28, 2021 3:20 PM  
**To:** Westen, Jacob <[Jacob.Westen@dnr.mo.gov](mailto:Jacob.Westen@dnr.mo.gov)>  
**Cc:** Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Goldstein, Ivery <[Goldstein.Ivery@epa.gov](mailto:Goldstein.Ivery@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Wilson, Adam <[wilson.adam@epa.gov](mailto:wilson.adam@epa.gov)>; Waters, Richard <[Richard.Waters@dnr.mo.gov](mailto:Richard.Waters@dnr.mo.gov)>; Galbraith, Ed <[Ed.Galbraith@dnr.mo.gov](mailto:Ed.Galbraith@dnr.mo.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>  
**Subject:** RE: EPA Complaint No.: 01RNO-20-R7: Meeting Request  
**Importance:** High

Hello Jacob,

Will you be able to meet with us tomorrow afternoon at 1:00 CST (2:00 EST)? Thanks!

Lilian

Lilian Sotolongo Dorka, Director  
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**From:** Dorka, Lilian  
**Sent:** Tuesday, July 27, 2021 5:13 PM  
**To:** Westen, Jacob <[Jacob.Westen@dnr.mo.gov](mailto:Jacob.Westen@dnr.mo.gov)>  
**Cc:** Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Goldstein, Ivery <[Goldstein.Ivery@epa.gov](mailto:Goldstein.Ivery@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Wilson, Adam <[wilson.adam@epa.gov](mailto:wilson.adam@epa.gov)>; Richard.Waters <[Richard.Waters@dnr.mo.gov](mailto:Richard.Waters@dnr.mo.gov)>; Galbraith, Ed <[Ed.Galbraith@dnr.mo.gov](mailto:Ed.Galbraith@dnr.mo.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>

**Subject:** RE: EPA Complaint No.: 01RNO-20-R7: Meeting Request

Hi Jacob,

Thanks for your note, and please call me Lilian. I'm wondering if we could go ahead and meet with you this Thursday afternoon, following up on the conversations you had with the team on June 1<sup>st</sup>, about our findings on Issue #2, which probably does not require Richard's participation? We can also schedule time to meet on Wednesday August 3<sup>rd</sup> (I think everyone is available at 9:00 CST) to focus specifically on issue #1.

Would that work for you? Thanks again!

Lilian

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**From:** Westen, Jacob <[Jacob.Westen@dnr.mo.gov](mailto:Jacob.Westen@dnr.mo.gov)>

**Sent:** Tuesday, July 27, 2021 2:23 PM

**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Cc:** Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Goldstein, Ivery <[Goldstein.Ivery@epa.gov](mailto:Goldstein.Ivery@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Wilson, Adam <[wilson.adam@epa.gov](mailto:wilson.adam@epa.gov)>; Richard.Waters <[Richard.Waters@dnr.mo.gov](mailto:Richard.Waters@dnr.mo.gov)>; Galbraith, Ed <[Ed.Galbraith@dnr.mo.gov](mailto:Ed.Galbraith@dnr.mo.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>

**Subject:** RE: EPA Complaint No.: 01RNO-20-R7: Meeting Request

Director Dorka,

Thanks for checking back and your patience; I wasn't able to get back with you last week. The Thursday time tomorrow is available; however, it would be just me attending for DNR. If the main topic of conversation will be about Issue One and the Standard Operating Permit, I'd like to have our Air attorney, Richard Waters, present. That could help facilitate a more substantive conversation.

To that end, availability for the both of us is looks into the following week. The time block from 9:00 to 11:00 AM CDT is relatively open for Tues 8/3, Weds 8/4, and Thurs 8/5. If there is a convenient time for your team during one of those blocks, and let me know, and Richard and I will get it calendared.

Thanks!

Jacob

Jacob Westen

General Counsel | MDNR

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**From:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Sent:** Tuesday, July 27, 2021 11:12 AM

**To:** Westen, Jacob <[Jacob.Westen@dnr.mo.gov](mailto:Jacob.Westen@dnr.mo.gov)>

**Cc:** Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Goldstein, Ivery <[Goldstein.Ivery@epa.gov](mailto:Goldstein.Ivery@epa.gov)>; Galbraith, Ed <[Ed.Galbraith@dnr.mo.gov](mailto:Ed.Galbraith@dnr.mo.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Wilson, Adam <[wilson.adam@epa.gov](mailto:wilson.adam@epa.gov)>; Waters, Richard <[Richard.Waters@dnr.mo.gov](mailto:Richard.Waters@dnr.mo.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>

**Subject:** RE: EPA Complaint No.: 01RNO-20-R7: Meeting Request

Hello Jacob,

As we have not heard back from you, I am following up to see if you are available to meet on Thursday, 7/29, after 2:00 PM EST? In addition, wanted to give you a heads up that this week we will be sending MoDNR a Request for Information related to our investigation of the remaining issue, i.e., whether MoDNR discriminated on the basis of race, color or national origin in its actions concerning the Kinder Morgan permit.

We look forward to hearing back from you and discussing next steps. Please let us know if you have any questions. Thanks!

Lilian

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**From:** Dorka, Lilian

**Sent:** Thursday, July 22, 2021 6:02 PM

**To:** Westen, Jacob <[Jacob.Westen@dnr.mo.gov](mailto:Jacob.Westen@dnr.mo.gov)>

**Cc:** Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Goldstein, Ivery <[Goldstein.Ivery@epa.gov](mailto:Goldstein.Ivery@epa.gov)>; Galbraith, Ed <[Ed.Galbraith@dnr.mo.gov](mailto:Ed.Galbraith@dnr.mo.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Wilson, Adam <[wilson.adam@epa.gov](mailto:wilson.adam@epa.gov)>; Richard.Waters <[Richard.Waters@dnr.mo.gov](mailto:Richard.Waters@dnr.mo.gov)>

**Subject:** RE: EPA Complaint No.: 01RNO-20-R7: Meeting Request

Hello Jacob,

Hope you are doing well. We would like to discuss next steps following our March 30<sup>th</sup> findings, as well as possible resolution of the pending investigation.

With respect to the March 30<sup>th</sup> findings, our letter included general recommendations for voluntary resolution that can serve as a starting point for our conversation. We realize that MoDNR may have already made significant changes to its nondiscrimination program during this interim period.

As to the other issue currently under investigation, we have not yet prepared a draft informal resolution agreement that would serve to address/resolve that issue. Normally, once a recipient agrees to pursue informal resolution discussion, it is ECRCO's practice to first meet and discuss the issue with recipients, share and discuss the facts we have already gathered through our investigation, including through the recipient as well as through interviews with complainants/community members, etc., and discuss possible commitments that an informal resolution agreement could include in order to resolve the issue.

To the extent that it is helpful to see the types of Informal Resolution Agreements reached in other ECRCO cases, please see those posted on our website at: <https://www.epa.gov/ogc/external-civil-rights-compliance-office-new-developments>

Please let us know of your availability to meet with us on July 28, 2021 or July 29, 2021. Many thanks!

Lilian

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**From:** Westen, Jacob <[Jacob.Westen@dnr.mo.gov](mailto:Jacob.Westen@dnr.mo.gov)>

**Sent:** Thursday, July 22, 2021 3:29 PM

**To:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Wilson, Adam <[wilson.adam@epa.gov](mailto:wilson.adam@epa.gov)>; Richard.Waters <[Richard.Waters@dnr.mo.gov](mailto:Richard.Waters@dnr.mo.gov)>

**Cc:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Goldstein, Ivery <[Goldstein.Ivery@epa.gov](mailto:Goldstein.Ivery@epa.gov)>; Galbraith, Ed <[Ed.Galbraith@dnr.mo.gov](mailto:Ed.Galbraith@dnr.mo.gov)>

**Subject:** RE: EPA Complaint No.: 01RNO-20-R7: Meeting Request

Good afternoon!

Thanks for reaching out. For clarification—my June 25, 2021 email asked that ECRCO provide a draft proposed Informal Resolution Agreement specific to this matter, which the Department could consider. Is that the purpose of the meeting? Would a draft copy of that be available prior to the meeting for DNR to review?

Thanks!

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C. (b)(6) Privacy  
E. [Jacob.Westen@dnr.mo.gov](mailto:Jacob.Westen@dnr.mo.gov)

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**From:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>  
**Sent:** Wednesday, July 21, 2021 4:07 PM  
**To:** Westen, Jacob <[Jacob.Westen@dnr.mo.gov](mailto:Jacob.Westen@dnr.mo.gov)>; Galbraith, Ed <[Ed.Galbraith@dnr.mo.gov](mailto:Ed.Galbraith@dnr.mo.gov)>; Waters, Richard <[Richard.Waters@dnr.mo.gov](mailto:Richard.Waters@dnr.mo.gov)>; Spears, Tami <[tami.spears@dnr.mo.gov](mailto:tami.spears@dnr.mo.gov)>  
**Cc:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Wilson, Adam <[wilson.adam@epa.gov](mailto:wilson.adam@epa.gov)>; Goldstein, Ivery <[Goldstein.Ivery@epa.gov](mailto:Goldstein.Ivery@epa.gov)>  
**Subject:** EPA Complaint No.: 01RNO-20-R7: Meeting Request

As a follow-up to your June 25, 2021 communication, the U.S. Environmental Protection Agency's Office of General Counsel's External Civil Right Compliance Office (ECRCO) would like to meet with you.

ECRCO is available on the following dates and times.

Wednesday, July 28, 2021 at 9:00 a.m. -10:00 a.m. CST /10:00 a.m.–11:00 a.m. EST  
Thursday, July 29, 2021 at 1:00 p.m. -2:00 a.m. CST/ 2:00 p.m.–3:00 p.m. EST

Please let us know if you are available on either of these dates. Upon recipient of your availability, ECRCO will submit a meeting invitation.

Jeryl W. Covington  
Environmental Protection Specialist  
U.S. Environmental Protection Agency  
Office of General Counsel|External Civil Rights Compliance Office  
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